

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

F.V. and DANI MARTIN,

Plaintiffs,

v.

RUSSELL BARRON, in his official capacity as Director of the Idaho Department of Health and Welfare and ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health the Idaho Department of Health and Welfare, and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,,

Defendants.

Case No. 1:17-CV-000170-CWD

**ORDER APPROVING  
STIPULATION REGARDING  
AWARD OF ATTORNEYS' FEES  
AND COSTS (DKT 44)**

Currently before the Court is the parties' Stipulation Regarding Award of Attorneys' Fees and Costs. (Dkt. 44.) Having reviewed the stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiffs be awarded \$75,000 in full settlement of the attorneys' fees and costs due to Plaintiffs pursuant to 42 U.S.C. § 1988, subject to approval by the Idaho State Board of Examiners at its May 15, 2018 meeting. If the Board of Examiners

**ORDER APPROVING STIPULATION REGARDING AWARD OF ATTORNEYS' FEES AND COSTS - 1**

approves this settlement payment, the State of Idaho will pay Plaintiffs \$75,000 in full satisfaction of Defendants' obligation to pay Plaintiffs' attorneys' fees and costs in this action. From that sum, \$6,000 will be paid to Cockerille Law Office, P.L.L.C., and \$69,000 will be paid to Lambda Legal Defense and Education Fund, Inc. If the Board of Examiners fails to approve the settlement payment, Plaintiffs will be entitled to file a motion with the Court to seek an award of attorneys' fees and costs due them pursuant to 42 U.S.C. § 1988. If forced to file a motion, Plaintiffs will not be limited to the settlement amount set forth above, but will be free to seek the full amount to which they may be entitled under the law, including fees and costs incurred in bringing their motion.



DATED: April 26, 2018

A handwritten signature in cursive script that reads "Candy W. Dale".

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Candy W. Dale  
U.S. Magistrate Judge